

FILED
JUN 22 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

HOWARD LOWELL SWANTZ,

Civil Case No. 09-1161-SU

Petitioner,

ORDER

v.

DON MILLS,

Respondent.

Howard Lowell Swantz, #14840682
EOCI
2500 Westgate
Pendleton, Oregon 97801

Pro Se Petitioner

John R. Kroger
Attorney General

Summer R. Gleason
Senior Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096

Attorney for Respondent

KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on May 20, 2010. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Sullivan.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Sullivan (#15) dated May 20, 2010 in its entirety.

IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus (#2) is denied and this case is dismissed with prejudice. Because petitioner has not made substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. See 28 U.S.C. § 2253(c)(2). Petitioner's Motion for Appointment of Counsel (#13) is denied.

DATED this 22 day of June, 2010.



GARR M. KING
United States District Judge